



THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 27.07.2021

CORAM:

THE HONOURABLE MR.JUSTICE T.S.SIVAGNANAM

and

THE HONOURABLE MRS.JUSTICE S.ANANTHI

W.A.[MD]No.1462 of 2021

WEB COPY

A.Manivel

... Appellant

Vs.

1.The Registrar of Co-operative Societies,
No.170, EVR Highway,
Keelpauk,
Chennai.

2.The Joint Registrar of Co-operative Societies,
Thiruchirapalli Region,
Thiruchirapalli.

3.The Joint Registrar / Managing Director,
Thiruchirapalli Central Cooperative Bank Ltd.,
Thiruchirapalli District.

4.The Special Officer,
Kattuputhur Branch,
Thiruchirapalli Central Co-operative Bank Ltd.,
Thiruchirapalli District.

5.The Special Officer,
Thottiam Branch,
Thiruchirapalli Central Co-operative Bank Ltd.,
Thiruchirapalli District.

: Respondents

PRAYER: Writ Appeal filed under Clause 15 of Letters Patent Act, praying to set aside the order dated 20.04.2021 passed in W.P.[MD].No.8116 of 2021.

Prayer in WP(MD). 8116/ 2021 :

Writ Petition is filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Mandamus or any other writ or order or direction in the nature of writ, direct the 1st respondent to consider the petitioners representation dated 25.01.2021 and direct that the petitioner be evaluated in normal course for his due promotion since 2010.

For Appellant : Mr.V.Kannan
For Respondents : Mr.A.K.Manickam,
Standing Counsel for Government



JUDGMENT

[Judgment of the Court was delivered by **T.S.SIVAGNANAM, J.**]

Heard Mr.V.Kannan, learned Counsel appearing for the appellant and Mr.A.K.Manickam, learned Standing Counsel for Government appearing for the respondents.

2.This Writ Appeal is directed against the order in W.P.[MD]. No.8116 of 2021 dated 20.04.2021.

3.The petitioner sought for a direction upon the respondents to grant promotion to the petitioner by considering his representation dated 25.01.2021.

4.Admittedly, departmental action was initiated against the appellant which culminated in an order of punishment and imposition of fine, which order was confirmed by the Joint Registrar of the Tamil Nadu Co-operative Societies Act, vide order dated 15.11.2017. This order has been put to challenge by the appellant by filing W.P. [MD]No.4506 of 2018 and an order of interim stay has been granted on 02.03.2018. That apart, a criminal case has been registered against the appellant in Crime No.2 of 2014, on the file of the Karur Commercial Crime Investigation Wing and the same has been taken on file by the learned Judicial Magistrate No.II, Kulithalai. In such circumstances, the appellant cannot claim that he has to be considered for promotion.

5.Furthermore, merely because there is an order of stay granted staying the punishment imposed on the appellant, it cannot be stated to mean that the order of punishment itself has been set aside. Therefore, unless the appellant extricates himself from the punishment imposed in the departmental charge memo and the criminal case, the appellant's candidature cannot be considered for promotion. Therefore, we find that there is no error in the order passed in the writ petition.

6.Accordingly, the Writ Appeal is dismissed. However, there shall be no order as to costs.

Sd/-

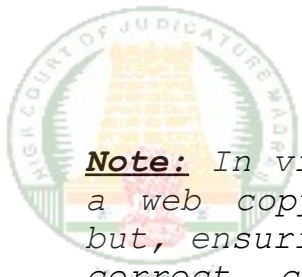
Assistant Registrar (CS-II)

// True Copy //

/ /2021

Sub Assistant Registrar(CS)

MR



Note: In view of the present lock down owing to COVID-19 pandemic, a web copy of the order may be utilized for official purposes, but, ensuring that the copy of the order that is presented is the correct copy, shall be the responsibility of the advocate/litigant concerned.

To

- 1.The Registrar of Co-operative Societies,
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+1 CC to M/s.SPL GP (SR-24429[F] dated 29/07/2021)

W.A. [MD]No.1462 of 2021

27.07.2021

RD(9.08.2021) 3P 7C